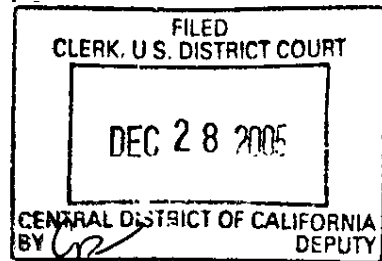


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Attorneys for Plaintiff
 UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

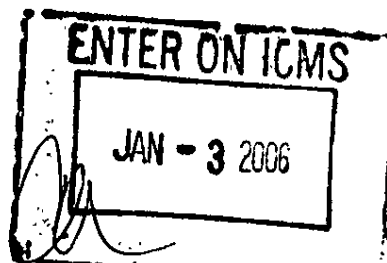
FOR THE CENTRAL DISTRICT OF CALIFORNIA

LODGED
 DEC 27 PM 3:59
 U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

UNITED STATES OF AMERICA,	) NOS. CR 05-930-CW (M)
	) CR 05-1032-CW (M)
Plaintiff,	) CR 05-1033-CW (M) ✓
	) CR 05-1034-CW (M)
v.	) CR 05-1035-CW (M)
	) CR 05-1036-CW (M)
	) CR 05-1037-CW (M)
ALBERT VALENTE,	) <u>EX PARTE</u> MOTION FOR SETTING OF PLEA
RAMON VALDEZ,	) HEARING; PROPOSED ORDER;
JESSIE LUMADA,	) DECLARATION OF BRIAN M. HOFFSTADT
MICHAEL FOUSSE,	) Prop. Hearing Date: Jan. 24, 2006
DWIGHT SITYAR,	) Prop. Hearing Time: 2:00 p.m.
STEPHANI GIMA, and)
JOEL DIMAANO)
Defendants.)

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Central District of California, hereby makes this ex parte application to set a hearing at which defendants Albert Valente, Ramon Valdez, Jessie Lumada, Michael Fousse, Dwight Sityar, Stephani Gima, and Joel Dimaano, may enter their pleas of guilty pursuant to their previously filed plea agreements.

As set forth below in the attached declaration of Brian M. Hoffstadt, the government has spoken with defense counsel for



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1 these defendants, and it appears that most, if not all, counsel
2 will be available to appear before this Court at the proposed
3 hearing date and time of January 24, 2006, at 2:00 p.m. for the
4 entry of their guilty pleas. The government believes that it
5 would be most expeditious and efficient that as many pleas as
6 possible be entered at the same time given the related nature of
7 the cases.


8 For these reasons, the government makes this ex parte
9 application to set a guilty plea hearing for the date and time
10 specified above.

11 Date: December 23, 2005 Respectfully submitted,

12 DEBRA WONG YANG
United States Attorney

13 THOMAS P. O'BRIEN
14 Assistant United States Attorney
15 Chief, Criminal Division

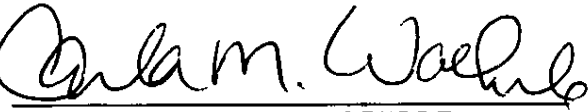
16 12-23-05
DATE


17 BRIAN M. HOFFSTADT
Assistant United States Attorneys

18 Attorneys for Plaintiff
19 United States of America

20 O R D E R

21 This Court hereby sets a hearing for January 24, 2006, at
22 2:00 p.m. for the entry of guilty plea for defendants Albert
23 Valente, Ramon Valdez, Jessie Lumada, Michael Fousse, Dwight
24 Sityar, Stephani Gima, and Joel Dimaano.

25 
26 HONORABLE CARLA WOHRLE
27 UNITED STATES MAGISTRATE JUDGE
28

DECLARATION OF BRIAN M. HOFFSTADT

I, Brian M. Hoffstadt, declare as follows:

1. I am the Assistant United States Attorney assigned to handle the matters of United States v. Albert Valente, CR 05-930-CW (M); United States v. Ramon Valdez, CR 05-1032-CW (M); United States v. Jessie Lumada, CR 05-1033-CW (M); United States v. Michael Fousse, CR 05-1034-CW (M); United States v. Dwight Sityar, CR 05-1035-CW (M); United States v. Stephani Gima, CR 05-1036-CW (M); and United States v. Joel Dimaano, CR 05-1037-CW (M).

2. These cases have been consolidated before the Honorable Carla M. Woehrle, United States Magistrate Judge, because they involve a related series of events -- namely, the theft and subsequent distribution of a copy of *Star Wars: Episode III -- Revenge of the Sith* prior to its release in movie theatres. Each of the above-named defendants has signed and filed a plea agreement, in which he or she has agreed to enter a plea of guilty to a single misdemeanor count of criminal copyright infringement.

3. During the weeks of December 12, 2005, and December 19, 2005, I spoke with the following defense counsel, who informed me of the following regarding their availability to appear before this Court on January 24, 2006, for the purpose of having his/her client enter a plea of guilty:

a. William Pitman, counsel for defendant Albert Valente, informed me that he is currently available to appear for a guilty plea hearing on January 24, 2006, at 2:00 p.m.

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1 b. Errol Stambler, counsel for defendant Ramon
2 Valdez, informed me that he is currently available to appear for
3 a guilty plea hearing on January 24, 2006, at 2:00 p.m.

4 c. Kim Savo, counsel for defendant Jessie Lumada,
5 informed me that she is currently available to appear for a
6 guilty plea hearing on January 24, 2006, at 2:00 p.m.

7 d. Philip Deitch, counsel for defendant Michael
8 Fousse, was out of town when I contacted him directly about the
9 January 24, 2006, date. However, in a letter dated December 14,
10 2005, I informed Mr. Deitch of a tentative January 24, 2006,
11 date, and he raised no objection.

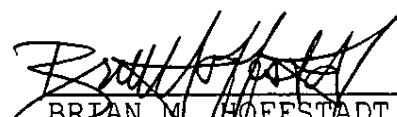
12 e. Anthony Solis, counsel for defendant Dwight
13 Sityar, informed me that he is currently available to appear for
14 a guilty plea hearing on January 24, 2006, at 2:00 p.m.

15 f. David Kaloyanides, counsel for defendant Stephani
16 Gima, informed me that he is currently available to appear for a
17 guilty plea hearing on January 24, 2006, at 2:00 p.m.

18 g. Brian Newman, counsel for defendant Joel Dimaano,
19 informed me that he currently has a trial set before Judge
20 Manella to begin on January 24, 2006; however, he is not certain
21 at this time whether the trial will go on that date. He may also
22 be able to make alternative arrangements to appear for a plea in
23 this matter.

24 I declare under penalty of perjury that the foregoing is
25 true and correct.

26 Dated: December 23, 2005

27 
28 BRIAN M. HOFFSTADT

CERTIFICATE OF SERVICE

I, **YOLANDA AGUAYO**, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of the United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and I am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of United States District Court for the Central District of California, at whose discretion I served a copy of: **EX PARTE MOTION FOR SETTING OF PLEA HEARING; (PROPOSED) ORDER; DECLARATION OF BRIAN M. HOFFSTADT**

Service was:

☐ Placed in a closed envelope, for collection and interoffice delivery addressed as follows:

☐ Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

☐ By hand delivery addressed as follows:

☒ By facsimile as follows:

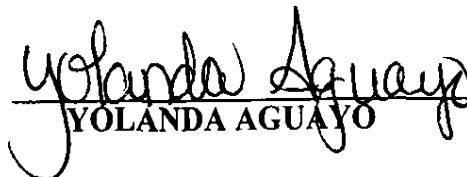
☐ By messenger as follows:

☐ By federal express as follows:

SEE ATTACHED LIST

This Certificate is executed on December 27, 2005, Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.


YOLANDA AGUAYO

SERVICE LIST
U.S. v. VALENTE, ET AL.,

SCANNED

VIA FACSIMILE:

BILL PITMAN, ESQ.
Facsimile: (213) 629-0208

ERROL STAMBLER, ESQ.
Facsimile: (310) 470-3968

KIM SAVO, ESQ.
Facsimile: (213) 894-0081

PHIL DEITCH, ESQ.
Facsimile: (323) 938-3318

ANTHONY SOLIS
Facsimile: (213) 489-5923

DAVID KALOYANIDES
Facsimile: (626) 609-0305

BRIAN NEWMAN, ESQ.
Facsimile: (310) 337-0063